

REMARKS

Claims 1-22 and 24-61 are pending. No claims have been canceled. Claims 6, 22, 25, 36-38, 45, 47, 48, and 53-56, have been amended. Claims 62-78 have been added. No new matter has been added. Claims 1, 17, 61, 62, and 77 are the independent claims..

Claim objections

The Examiner indicates that claim 6 is objected to for creating a circular dependency. Claim 6 has been amended to depend from claim 1, correcting the circular dependency as the Examiner has suggested. The Examiner indicates that claim 53 is objected to because of an informality. Claim 53 has been amended to correct the informality according to the Examiner's suggestion. Claim 54 has been similarly amended. Applicant respectfully requests that the objection to the claims be withdrawn in light of the present amendments.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 2-5, 9, 16, 47, 48, and 55 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking sufficient written description with respect to the terms "security data" and "selected limit." Although the Applicant does not concede that there is insufficient support for the term "selected limit," in an attempt to expedite prosecution the Applicant has amended claims 47 and 48 to remove the term "selected limit" thereby obviating the rejection with respect to these claims. The applicant reserves the right to use this term in a continuation, divisional, or other type of continuing application. For claims 2-5, 9, 16, and 55, Applicant respectfully traverses the rejection.

First, the term "security data" does not represent new matter; this term was present in the application as originally filed. Second, there is adequate support in the specification to reasonably convey to one skilled in the art that the inventor had possession of the claimed system and method. Security data is explicitly discussed in at least paragraphs 0004, 0010, and 0011 of the specification, as originally filed. (The paragraph numbers refer to the numbering found in the Pre-grant Application Publication 2003/0074567 A1.)

Because the claimed subject matter was present in the application as originally filed and is adequately described in the specification in such a way that reasonably conveys to one

skilled in the art that the inventor was in possession of the claimed system and method, the written description requirement is met. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 22, 25, 47, and 48 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claim 22 to provide clear antecedent basis. For claims 25, 47, and 28 Applicant has amended the claims to remove the term “within a selected limit.” Similar amendments have been made in claims 36-38, 45, and 53-56. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Double patenting

Claims 1-22 and 24-61 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 1-14 of United States Patent No. 5,995,630 to Borza ("Borza"). Applicant respectfully traverses the rejection because the claims of the present application are patentably distinct from those in Borza -- *i.e.*, the claims in the present application are not obvious variations of the system and method defined in Borza.

Borza describes biometric input with encryption. The claims in Borza recite features consistent with a biometric input.

In contrast, the present application describes method and system for detecting a secure state of a computer system.

Because a biometric input with encryption and a method/system for detecting a secure state of a computer system are fundamentally different, Applicant submits that the claims in the present application are not obvious variations of the claimed features of Borza. Accordingly, Applicant respectfully requests withdrawal of the double patenting rejection.

Rejection under 35 U.S.C. section 102(e)

Claims 1-5, 17-22, and 24-61 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,470,450 to Langford *et al.* ("Langford"). The

rejection is respectfully traversed because Langford does not disclose, *inter alia*, “wherein the trusted hash value was created using the selected hashing process applied to second data representing a known state of the one or more applications executing in the computer system, wherein the second data includes a system memory location indicative of the at least one application executing within the computer system” as recited in claim 1. The other independent claims include similar features.

The Examiner alleges that Langford teaches the claimed second data, citing to Langford’s “application data.” The “application data” in Langford references computer memory; however, the system in Langford does not *hash* the application data. Langford hashes the executable file data.

Langford merely uses the application data as a path to obtain the executable file so that the actual executable file, and not the application data, may be hashed. Specifically, Langford states, “[t]he hash value of the calling applications is generated using the calling application data *as a pointer* to the executable data file” (c. 4, ll. 48-50, emphasis added). Langford also states, “The system uses data representing the path to obtain executable file data to *compute a hash value of the executable file data* associated with the calling application” (c. 4, ll. 9-11, emphasis added).

Because Langford discloses hashing the actual executable file data, not the memory location pointing to the executable file data, Langford can not teach a “trusted hash value... created using the selected hashing process applied to second data ... wherein the second data includes a system memory *location* indicative of the at least one application executing within the computer system.”

This reading of Langford is consistent with the purpose of reference as a whole. The Langford system only checks individual applications. Langford’s approach is similar to that discussed in the Background of the Invention of the present application at paragraph 0008, which states that applications may be individually hashed and checked to determine if any illicit changes have been made.

Accordingly, Langford does not disclose all of the claimed features. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) of claims 1-5, 17-22, and 24-61.

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Conclusion

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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